

ARNOLD & PORTER LLP



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DT10 Rec'd PCT/PTO 27 SEP 2004

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September 27, 2004

Mail Stop PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Re: U.S. Application No. 09/554,533
Filed: July 11, 2002
Based on International Application No. PCT/US98/24210
Filed: November 13, 1998
Title: **Novel Exendin Agonist Compounds**
Applicants: Nigel R.A. BEELEY *et al.*
Atty. Docket: 18528.016 / 238/086 PCT

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (PTO):

1. a Response to Notification of Defective Response mailed August 26, 2004;
2. a copy of the Notification of Defective Response;
3. a Preliminary Amendment;
4. a Sequence Listing in computer readable form (CRF) for the above-referenced application, on a floppy disk;
5. a Statement Regarding Sequence Submission;
6. a paper copy of the sequence listing; and
7. a return postcard.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

In the event that extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby

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Commissioner for Patents
Atty. Docket: 18528.016
Page 2

authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387,
referencing matter number 18528.016. A duplicate copy of this letter is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D R. Marsh". The signature is fluid and cursive, with the first name "D" being a stylized "David" and "R. Marsh" following in a similar script.

David R. Marsh (Reg. No. 41,408)
Milan M. Vinnola (Reg. No. 45,979)

Attachments



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Nigel R. A. BEELEY *et al.*

Appln. No.: 09/554,533

Filed: July 11, 2002

Based on: International Application No.:
PCT/US98/24210

Int'l Filing

Date: November 13, 1998

For: **Novel Exendin Agonist Compounds**

Art Unit: 1646

Examiner: To Be Assigned

Atty. Docket: 18528.016 / 238/086 US

Confirmation No.: 1938

Response to Notification of Defective Response

Mail Stop PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Notification of Defective Response mailed August 26, 2004,
Applicants submit the following documents for appropriate action by the U.S. Patent and
Trademark Office:

1. a Copy of the Notification of Defective Response;
2. a Preliminary Amendment;
3. a Sequence Listing in computer readable form (CRF) for the above-referenced application, on a floppy disk;
4. a Statement Regarding Sequence Submission; and,
5. a paper copy of the sequence listing.


A paper copy of the Sequence Listing and a computer readable form (CRF) of the
sequence listing on floppy diskette, containing the file named 18528.016.SeqList.txt, which is

51,032 bytes in size (measured in MS-DOS), and which was created on September 22, 2004, are herein incorporated by reference.

REMARKS

The Sequence Listing has been formatted to comply with current 37 C.F.R. § 1.821 *et seq.* No new matter enters by this Response.

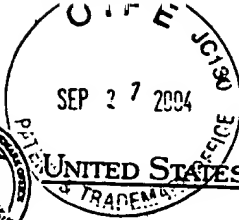
Respectfully submitted,

A handwritten signature in black ink, appearing to be "Dd Pb", representing David R. Marsh and Milan M. Vinnola.

David R. Marsh (Reg. No. 41,408)
Milan M. Vinnola (Reg. No. 45,979)

Date: September 27, 2004

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SEP 27 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.

09/554,533

FIRST NAMED APPLICANT

NIGEL BEELEY

ATTY. DOCKET NO.

238/086 PCT/US

INTERNATIONAL APPLICATION NO.

PCT/US98/24210

I.A. FILING DATE

11/13/1998

PRIORITY DATE

11/14/1997

44638

ARNOLD & PORTER LLP (18528)
555 TWELFTH ST, NW
WASHINGTON, DC 20004

Docketed

Due Date

Initial

Response
9/26/04

uo

CONFIRMATION NO. 1938

371 FORMALITIES LETTER



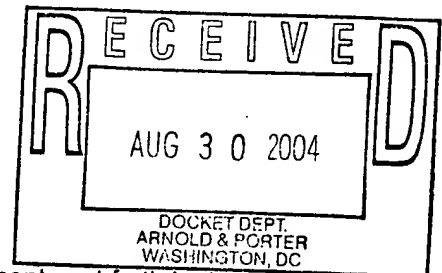
OC000000013652587

Date Mailed: 08/26/2004

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Indication of Small Entity Status
- Priority Document
- Information Disclosure Statements filed on 12/30/2002
- Biochemical Sequence Diskette filed on 12/30/2002
- Biochemical Sequence Listing filed on 12/30/2002



Applicant's response filed 12/30/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 06/14/2000 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - Does not comply, corrected diskette needed (see attachment)
 - APPLICANT MUST PROVIDE:
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this

Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a):

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 305-3656

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/554,533	PCT/US98/24210	238/086 PCT/US

FORM PCT/DO/EO/916 (371 Formalities Notice)